

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RONALD AND DEBORAH KEAL,

Plaintiffs,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C05-5737RJB

ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the file, the Report and Recommendation of Magistrate Judge J. Kelley Arnold (Dkt. 259), and the remainder of the file herein, does hereby find and **ORDER:**

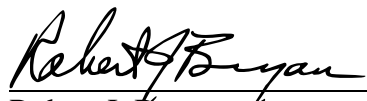
(1) The Court **ADOPTS** the Report and Recommendation (Dkt. 259);

(2) Claims regarding a use of force on November 17, 2003, are unexhausted and are therefore **DISMISSED WITHOUT PREJUDICE**;

(3) The plaintiffs having failed to properly serve Defendants Munden and Moore or to show good cause for failing to effect service when ordered to do so, the claims against these defendants are **DISMISSED WITHOUT PREJUDICE**.

The Clerk is directed to send copies of this Order to plaintiffs, counsel for any defendants who have appeared, and to the Hon. J. Kelley Arnold.

DATED this 3<sup>rd</sup> day of July, 2007.

  
Robert J. Bryan  
United States District Judge